

(General Services)

The 31st March, 1971

No. 1289-IGSHI-71/7054.—The Officers noted in the Statement below have been declared by the Central Committee of Examinations to have passed the Departmental Examination of Subordinate Judges held at Chandigarh from the 15th February, 1971 to 19th February, 1971 in the groups and standards noted against their names :—

Serial No.	Name	Group—A-I (Criminal Law)	Group—A-II (Civil Law)	Group—B (Revenue Law)	Group—C (Accounts)	Group—D (Hindi)	Group—E (Punjabi)	Group—F (Urdu)	Group—G (Constitutional Law)	Remarks
1	2	3	4	5	6	7	8	9	10	11
1	Shri Kewal Singh	..	..	..	..	..	..	..	..	Fails ..
2	Shri Ved Parkash	Fails	Higher Standard	Higher Standard	..	..	..	..	..	Fails ..
3	Shri Krishan Chand Gupta	..	..	..	..	..	..	..	..	Fails ..
4	Shri Sadhu Ram Bansal	Fails	..	..	..	..	..	..	..	.. ..
5	Mrs. Sudershan Modi	..	Higher Standard	..	..	..	..	..	..	Lower Standard ..
6	Shri Basant Parkash Jindal	Higher Standard	Lower Standard	..	..	..	..	Higher Standard ..	..	Lower Standard ..
7	Shri Ram Niwas Singal	..	..	Higher Standard	..	..	..	..	..	Higher Standard ..
8	Shri Puran Lal Khanduja	..	..	..	..	..	..	..	..	Fails ..
9	Miss Kiran Lata Anand	..	..	..	..	..	..	..	..	Fails ..
10	Shri Kishore Chand Dang	..	..	..	..	..	..	..	..	Lower Standard ..
11	Shri Surinder Singh	..	..	..	..	..	..	..	..	Higher Standard ..
12	Shri Hans Raj Goyal	..	..	..	..	..	..	..	..	Lower Standard ..

SAROOP KRISHEN, Chief Secy.

LATE NOTIFICATIONS

ORDER

The Governor of Haryana is pleased to confirm the following officiating Subordinate Judges to the H.C.S. (Judicial Branch) with effect from the date mentioned against each :-

Serial No	Name	From	To	With effect from	Vacancy against which confirmation is made
1	Shri Ram Saran Bhatia	Officiating	Substantive permanent	1st November, 1966	Against a vacant post
2	Shri Chuni Lal Kalra	Do	Ditto	1st November, 1966	Ditto
3	Shri Vidya Bhushan Bansal	Do	Ditto	1st November, 1966	Ditto
4	Shri Hukam Chand Gupta II	Do	Ditto	1st November, 1966	Ditto

Dated, Chandigarh,
the 24th March, 1971.

SAROOP KRISHEN,
Chief Secretary to Government, Haryan...

HOME (POLICE) DEPARTMENT

REHABILITATION DEPARTMENT

No. 5162/B-1.—Posting.—On return from leave the Governor of Haryana is pleased to post Shri Gurba Singh, officiating Deputy Superintendent of Police A/179 to Palwal, District Gurgaon, where he assumed charge of his duties on 18th March 1971, forenoon.

No. 1(3)/4143 Adm.: Smt. Chanchal Ram, Naib-Tehsildar (Mahal), Nirwana, is hereby appointed temporarily as Tehsildar (Sales) in the scale of Rs 350—25—500-30—650-30 80/- plus Rs 50 p.m. as special pay and posted at Gurgaon with effect from 8th March, 1971 against the existing vacancy.

J. C. VACHHER, Joint Secy.

DAMODAR DASS, >

TRANSPORT DEPARTMENT

The 2nd April, 1971

No. 1001-1T-71/8619.—The Governor of Haryana is pleased to make the following appointment:

Serial No.	Name	Appointed as	With effect from	Remarks
	Shri Chet Ram Vashishta	Traffic Manager, Haryana Roadways, Gurgaon	25th January, 1971 (forenoon)	On recommendation of the Haryana Public Service Commission Shri Chet Ram Vashishta has been appointed as Traffic Manager

DAMO₃ : 4S, S_z, y

LABOUR DEPARTMENT

The 4th April, 1871

Government of Haryana is pleased to publish the following award on
the dispute between Haryana & Haryana Legislative Assembly.

the management of M/s Agriculture Engineers, Kandsa Road, Gurgaon : -

BEFORE SHRI O. P. SHARMA, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
HARYANA, FARIDABAD

Reference No. 46 of 1969

between

SHRI SAT PAUL SINGH, WORKMAN, AND THE MANAGEMENT OF M/S AGRICULTURE
ENGINEERS, KANDSA ROAD, GURGAON

Present : -

Shri C. B. Kaushik for the workman.

Shri P. D. Mehta for the management.

AWARD

The material facts leading to this reference under section 10(1)(d) of the Industrial Disputes Act, 1947, may briefly be stated as under : -

Shri Sat Paul Singh the concerned workman was in the service of M/s Agriculture Engineers, Kandsa Road, Gurgaon. His services were terminated by the management with effect from 15th May, 1969 which gave rise to an industrial dispute. Shri Sarda Nand, General Secretary, Gurgaon Engineer Works Union, Gurgaon served the management with demand notice dated 19th June, 1969 whereupon conciliation proceedings were initiated before the Labour-cum-Conciliation Officer, Gurgaon, but without any satisfactory result, and on the failure report submitted by him the Government referred this dispute for adjudication to this Tribunal,—*vide* order No. ID/GG/73-A-69/27617, dated 8th October, 1969 of the Governor of Haryana, with the following terms of reference : -

Whether the termination of services of Shri Sat Paul Singh was justified and in order. If not ; to what relief is he entitled ?

On receipt of the reference, usual notices were given to the parties. The claim statement on behalf of the workman was filed on 6th October, 1969 wherein he reiterated his claim for reinstatement and full back wages contending that his services had been terminated without any justification and for consideration of victimisation on account of his trade union activities.

The management filed the written statement on 28th October, 1969 taking the only plea that the dispute regarding the reinstatement of Shri Sat Paul Singh concerned workman had been amicably settled,—*vide* settlement dated 18th October, 1969 and a copy of the said memorandum of settlement was also filed.

In his statement dated 7th November, 1969, Shri Sat Paul Singh denied having given up his right of reinstatement by any settlement with the management. According to him, he had received Rs. 100 only towards the arrears of his wages. No further statement was filed on behalf of the management. My learned predecessor framed the following two issues in the case on 12th January, 1970 : -

1. Whether the settlement is in order and the workman has received Rs. 115 in full and final settlement of all his claims ?
2. If the above issue has not proved whether the termination of services was justified and in order with what relief is he entitled ?

The management has examined three witnesses in the case, namely, Shri Harbhajan Singh, Partner M.W. 1, Shri Partap Singh M.W. 2, Shri D. J. Lal Chaudhary, Labour Officer-cum-Conciliation Officer, Gurgaon, M.W. 3 and reliance has been placed mainly upon the memorandum of settlement Ex. M-1. According to Shri Harbhajan Singh M.W. 1, the settlement between the parties was brought about in the presence of Shri Dharminder Nath, Labour Officer-cum-Conciliation Officer, Gurgaon and copies of the memorandum of settlement were sent to the Labour Commissioner and the Secretary, Labour Department, Government of Haryana, Chandigarh,—*vide* receipt Ex. M.W. 1/1 and Ex. M.W. 1/2. He has further stated that Shri Sat Paul Singh concerned workman had made an application under the Payment of Wages Act, copy Ex. M.W. 1/3 and a sum of Rs. 100 had been paid to him,—*vide* voucher Ex. M.W. 1/4.

Shri Partap Singh Ex. M.W. 2, who is admittedly an uncle of M.W. 1, has stated that a sum of Rs. 115 was paid to Shri Sarda Nand,—*vide* Ex. M-1, in full and final settlement of the claim of the workman. Shri D. J. Lal Chaudhary M.W. 3, who had succeeded Shri Dharminder

Nath, Labour-cum-Conciliation Officer, Gurgaon, has produced the copy of the Memorandum of Settlement, Ex. M. W. 3/1, but has admitted in cross-examination that this settlement was not brought about in his presence.

Shri Sat Paul Singh, concerned workman, coming into the witness-box as W. W. 1, has deposed that he had joined service with M/s Agriculture Engineer, Gurgaon, as a Moulder on 25th May, 1968 and his service had been terminated without any justification on 16th May, 1969 when he was getting Rs. 200 per mensem as his wages. He has categorically denied the alleged settlement with the management. According to him Rs. 100 were paid by the management towards the arrears of his wages and Rs. 15 as costs of the proceedings initiated before the authority under the Payment of Wages Act which were retained by his authorised representative Shri Sarda Nand. He has further emphatically denied having ever authorised Shri Sarda Nand to enter into any settlement with the management giving up his right of reinstatement.

I have heard the learned representatives of the parties at sufficient length and also carefully gone through the written arguments filed by them in the case.

It has been contended on behalf of Shri Sat Paul Singh, concerned workman, that the management has terminated his services without giving him any charge-sheet, notice or warning and for consideration of victimisation on account of his trade union activities. No attempt has been made on behalf of the management to refute the above allegations and the only plea taken in the written statement filed in the case on 28th October, 1969 is that by virtue of an amicable settlement arrived at between the parties on 18th October, 1969,—*vide* Memorandum of settlement Ex. M-1 a sum of Rs. 115 had been paid to Shri Sat Paul Singh through his authorised representative Shri Sarda Nand, in full and final settlement of his claim and he had in turn given up his right of reinstatement or re-employment. No other plea was taken by the management to justify the order of the termination of the services of the workman.

So, the main question that arises for determination in the case is, whether Shri Sat Paul Singh had actually entered into a settlement with the management foregoing his claim for reinstatement or re-employment, as alleged on behalf of the management. After the management had filed the written statement in the case taking the above plea of the settlement, statement of Shri Sat Paul Singh was recorded by my learned predecessor on 7th November, 1969 wherein he specifically denied having entered into any such settlement with the management. The burden was, therefore, upon the management to prove the same but after very carefully scrutinizing the entire evidence on record, I am constrained to observe that the management has simply failed to discharge this burden.

To begin with, the Memorandum of Settlement in dispute Ex. M-1 is not signed by Shri Sat Paul Singh, concerned workman, and according to his sworn testimony he had no knowledge of the execution of the said Memorandum of Settlement nor had he ever authorised Shri Sarda Nand, to enter into any such settlement with the management. It has been stated that this settlement was brought about before Shri Dharminder Nath, Labour-cum-Conciliation Officer, Gurgaon. The management has, however, failed to examine him as a witness in the case in spite of getting an opportunity for this purpose. Even Shri Sarda Nand has not been examined as a witness on oath by the management and in his statement without oath recorded by my learned predecessor on 21st April, 1970, Shri Sarda Nand has stated in clear and unambiguous words that he had never entered into any settlement with the management and that a sum of Rs. 100 had been paid to him towards the arrears of the wages of Shri Sat Paul Singh and Rs. 15 as costs of the proceedings initiated before the authority under the Payment of Wages Act. In the circumstances, the plea of settlement raised on behalf of the management cannot reasonably be believed. The disputed Memorandum of Settlement Ex. M-1 is not signed by any independent witness. Shri Partap Singh, M.W. 2, the only witness of this document being admittedly an uncle of the partner Shri Harbhajan Singh, his statement in the absence of further corroboration does not carry much weight and has, therefore, to be ignored.

That disposes of Issue No. 1 which for the reasons aforesaid is found in favour of the workman and against the management.

Issue No. 2.—Nothing worth consideration has been urged on behalf of the management with regard to this issue. It has been argued that, as a matter of fact, Shri Sat Paul Singh had himself abandoned the service. The contention has no force nor has any such plea be taken in the written statement, as discussed above. Obviously, no notice or warning was given to this workman, what to speak of any charge-sheet about his misconduct in the discharge of his duties or any domestic enquiry against him. The order of the termination of his services cannot, therefore, be held to be justified and in order and the management having failed to prove the only plea of the settlement raised in the case, the workman is entitled to reinstatement with continuity of his previous service and full back wages.

It has been argued on behalf of the management that Shri Sat Paul Singh had since joined service with M/s R. R. Beraja and Sons, Gurgaon, he is not entitled to any compensation on account of back wages. There is nothing on record to warrant this contention. In the first instance, no such plea has been taken the in written statement. The statements of the three witnesses examined by the management

including the partner Shri Harbhajan Singh, M. W. I., are altogether silent on this point. None has come forward on behalf of M/s R. R. Beraja and Sons, Gurgaon, to support the management on this point nor has any record been produced to show that Shri Sat Paul Singh, workman, is or has ever been in the service of M/s R. R. Beraja and Sons, Gurgaon. The suggestion made to him in this behalf by the learned representative of the management in his cross-examination has been specifically denied by Shri Sat Paul Singh. According to him, his brother Shri Harminder Singh was working with M/s R. R. Beraja and Sons, Gurgaon and he being illiterate, his bills had been prepared by him (Sat Paul Singh) and that the contract of the service of his brother with the said company had also been terminated on 7th May, 1970. There being thus no evidence whatever to prove that the workman had been gainfully employed anywhere else. There is obviously no reasonable ground to deprive him of his back wages during the period of his unemployment. Issue No. 2 is also decided in favour of the workman and against the management.

In view of the above findings on the issues involved in the case, the termination of the services of Shri Sat Paul Singh is held to be unjustified and not in order and he is entitled to reinstatement with continuity of his previous service and back wages. I give my award in the case accordingly but without making any order as to costs.

O. P. SHARMA,

Dated the 23rd March, 1971

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

No. 314, dated the 23rd March, 1971

Forwarded (four copies) to the Secretary to Government, Haryana, Labour and Employment Departments, Chandigarh, as required under section 15 of the Industrial Disputes Act, 1947.

O. P. SHARMA,

Dated the 23rd March, 1971

Presiding Officer,

Industrial Tribunal, Haryana,
Faridabad.

B. L. AHUJA, Secy.

INDUSTRIES DEPARTMENT

The 2nd April, 1971

No. 1602-5IBI-71/7866.—Whereas it appears to the Governor of Haryana that the land is likely to be needed urgently by Government at public expense for a public purpose, namely, for the setting up of a factory, a State undertaking, for the manufacture of match-box at village Abdullapur, district Ambala, it is hereby notified that the land in the locality described below is likely to be required for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894, to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, 4 the Governor of Haryana hereby authorises the officer, for the time being engaged in the undertaking with their servants and workmen to enter upon and survey and land in the locality and do all other acts required to be permitted by that section.

Further, in exercise of the powers conferred by the said Act, the Governor of Haryana hereby directs that action under sub-section (1) of section 17 of the said Act shall be taken in this case on the grounds of urgency and provisions of section 5-A of the said Act shall not apply in regard to this acquisition.

SPECIFICATION

District	Tehsil	Village	Rectangle No.	Khasra No.	Area
Bigha Biswa					
Ambala	Kalka	Abdulla pur	..	39 — 1	1--0
				39 — min 2	5--2
				39 — 4	0--8
				39 — 5	1--0
				83 — min 1	0--14
				83 — min 2	1--16
				Total	10--0

The 29th March, 1971

No. 559-4IB(1)-71/8370. -In consultation with the Haryana Public Service Commission, the Governor of Haryana is pleased to make the following appointment from the date mentioned in column 3 below:—

Name of Officer	Appointment as	Date of appointment	REMARKS
1	2	3	4
Kumari Raj Khanna	Lecturer in Library Science in the grade of R. 350/- 30—380/- 30—450/- 770/- 40--45/- plus usual allowances	24th September, 1970 (forenoon)	

M. L. BATRA, Secy.